

REMARKS

The Applicant appreciates the indicated allowability of claims 94, 98-104, 106-108, 126, 139-141 and 145-148.

Reconsideration and allowance of all claims are respectfully requested.

The Applicant elects Group III.

The objections to claims 135 and 149 have been corrected. Claim 104 has been cancelled without prejudice.

Claims 78-108 and 119-148 are patentable under 35 U.S.C. 112.

Claims 78-108 and 119-148 are definite. These claims particularly point out and distinctly claim the subject matter that the applicant regards as his invention.

Claim 78 has been amended to more clearly indicate that the silica powder from the silica powder source is the material subject to heating, softening, drying and removing OH. Therefore, claim 78 is definite. This claim particularly points out and distinctly claims the subject matter that the applicant regards as his invention.

Claims 85 and 86 are definite. These claims are written in proper method form. Claim 85 indicates that a plurality of burners are provided and that these burners are then used to burn silica precursors, which then in turn generates the silica powder. The silica precursors are the material heated. Similarly, claim 86 sets forth that small grain silica introduction ports are provided as are a plurality of burners and that these burners are then used to burn silica precursors, which then in turn generates the silica powder. The silica precursors are the material heated. Therefore, claims 85 and 86 are definite. These claims particularly point out and distinctly claim the subject matter that the applicant regards as his invention.

Claim 99 has been amended to provide proper antecedent basis.

Claim 119 has been amended to indicate that the fused and agglomerated particles are not a coating on the collector, but are instead collected by the collector after fusing.

Claims 78-108 and 119-148 are definite. These claims particularly point out and distinctly claim the subject matter that the applicant regards as his invention.

Claims 78-83, 85, 88-93, 95-97 and 105 are patentable under 35 U.S.C. 103(a) over Nath (EP 127956) in view of Leber et al. (US 4,923,497).

Claims 78-83, 85, 88-93, 95-97 and 105 particularly point out new and unobvious features of the invention which are not found in any reference and which would not have been obvious from the references.

Nothing in each of the references teaches or suggests the claimed features. Therefore, the references cannot anticipate nor render obvious the present invention as claimed.

Claim 78 is patentable over Nath in view of Leber.

The Examiner relies on Nath as disclosing a method of producing silica grains in a chamber with gas inlets and outlets and a vacuum line. Nath does not teach softening or agglomerating the powder.

Leber has been relied on as disclosing a method of continuous production of tubes or rods of silica by heating a crucible in a protective argon-hydrogen atmosphere before shaping.

"The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification". In re Fritch, 23 USPQ2d 1783, 1784 (CAFC, August 1992) citing In re Gordon, 221 USPQ, 1127. In In re Gordon, the court found a proposed modification inappropriate for an obviousness inquiry when the modification rendered the prior art reference

inoperable for its intended purpose.

"That [the prior art] might incorporate elements which could be used in appellants' system does not render appellants' claims obvious when there is no suggestion of using these elements in substantially the same manner as appellants use them." In re Donovan, 184 USPQ 414, 421 (CCPA, 1975).

Therefore, claim 78 is patentable over Nath in view of Leber.

Dependent claims 79-108 depend from claim 78 and add additional features. As such, claims 79-108 are patentable over Nath in view of Leber.

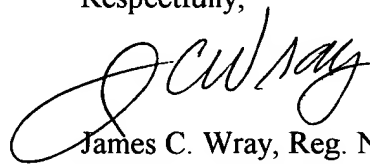
Therefore, the dependent claims are patentable under 103(a) over Nath in view of Leber.

Since Applicant has presented a novel, unique and non-obvious invention, reconsideration and allowance are respectfully requested.

CONCLUSION

Reconsideration and allowance of all claims is requested.

Respectfully,



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